

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS,)	
Plaintiff)	
)	
v.)	CIVIL ACTION NO. 04-30126-MAP
)	
CARDIAC SCIENCE, INC,)	
Defendant)	

MEMORANDUM AND ORDER REGARDING
DEFENDANT'S MOTION TO DISMISS
(Docket No. 9)

September 13, 2004

PONSOR, U.S.D.J.

For the reasons stated in open court on September 9, 2004, the defendant's Motion to Dismiss is ALLOWED with regard to Counts IV and V, and otherwise DENIED. The complaint on its face makes it clear that the defendant had no duty of care to the plaintiff with regard to its purchase of assets from the entity referred to by the parties as Compliant Corp. However, the complaint sufficiently articulates claims for copyright and patent infringement in Counts I, II and III, and for breach of contract in Count VI.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge